

REMARKS

This is in full and timely response to the final Office Action mailed October 22, 2003 and the Advisory Action mailed January 9, 2004, and is submitted concurrently with a Request for Continued Examination (RCE). Claims 1-19 and 21-25 are currently pending for the Examiner's reconsideration, with claims 1, 10, 14, 16, 19 and 24 being independent.

By this Amendment, claims 1, 10, 14 and 16 were amended to recite that a first land based hard-wired terminal or a first hard-wired terminal does not communicate with a second land based hard-wired terminal or a second hard-wired terminal prior to establishing communication with a mobile unit. As agreed during the personal interview with Examiner Lele on January 28, support for this Amendment can be found variously throughout the specification, for example, part no. 43 depicted in Fig. 2, and at page 4, line 16 to page 8, line 2. No new matter was added. Accordingly, withdrawal of all rejections is requested.

Applicant's Representative thanks the examiner for the courtesies extended during the January 28, 2004 personal interview.

Interview Summary

A personal interview was conducted between Examiner Lele and Applicant's Representative, Robert S. Green, on January 28, 2004. During the Interview it was acknowledged that the only outstanding rejections was the §112, first paragraph rejection of claims 1-18, and that claims 19 and 21-25 were in condition for allowance.

It was further agreed during the Interview that amending claims 1, 10, 14 and 16 to recite a first land based hard-wired terminal or first hard-wired terminal, as appropriate, and that the first land based hard-wired terminal or first hard-wired terminal does not communicate with a second land based hard-wired terminal or second hard-wired terminal, as appropriate prior to communicating with the mobile unit overcomes the §112, first paragraph rejection, and that the claims would be allowable pending an updated prior art search.

Rejections under 35 U.S.C. §112

Claims 1-25 are rejected under 35 U.S.C. §112, first paragraph. Applicants respectfully traverse this rejection.

Applicant notes that claim 20 was canceled, and that this rejection is properly applied to claims 1-19 and 21-25.

A. Alleged non-enabled element not in claims 19 and 24

This rejection was withdrawn in accordance with the Advisory Action mailed January 9, 2004.

B. Alleged non-enablement of claims 1, 10, 14 and 16

Regarding the allegation that the claim element “without attempting to first establish communication with another hard-terminal” recited in claims 1, 10, 14 and 16 was not specifically described in Applicant’s specification, and therefore not enabled, Applicant traverses this rejection.

As agreed during the personal Interview, claims 1, 10, 14 and 16 to recite a first land based hard-wired terminal or first hard-wired terminal, as appropriate, and that the first land based hard-wired terminal or first hard-wired terminal did not communicated with a second land based hard-wired terminal or second hard-wired terminal, as appropriate prior to communicating with the mobile unit overcomes the §112, first paragraph rejection.

Additionally, as agreed during the personal Interview, one of ordinary skill in the pertinent art would know that according to the specification, a first hard-wired terminal 43 is not communicating with a second hard-wired terminal 43 prior to attempting to establish communication with a mobile data unit 51. See, for example, page 6, line 16 to page 7, line 17 and Fig. 2. The term “land based hard-wired terminal” and “hard-wired terminal” refer to the same terminal 43 that is not a mobile data unit 51 or a mobile terminal 47.

Accordingly, withdrawal of this rejection is requested.

Rejection of Claims under 35 U.S.C. §103(a)

In accordance with the Advisory Action mailed January 9, 2004, and confirmed during the personal Interview, all §103 rejections were withdrawn, and need not be further addressed. Accordingly, these claims are believed to be in condition for allowance, and notice to that effect is requested.

CONCLUSION

For the foregoing reasons, claims 1 – 19 and 21-25 are believed to be in condition for allowance, and the application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of these remarks is courteously solicited. If the examiner has any comments or suggestions that would place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Any fees associated with the filing of this paper should be identified in any accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 07-2347.

Respectfully submitted,

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